

REMARKS

Claims 1-13 were pending and considered. In an Office Action designated as Final, claims 1-13 were rejected. In response, a Notice of Appeal and a Pre-Appeal Brief Request for Review were filed on June 28, 2007, with a Petition for Extension of Time. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed July 27, 2007. Accordingly, the Applicants' Appeal Brief is due August 28, 2007. Applicants have opted to file a Request for Continued Examination which is submitted concurrently herewith, and this Amendment accompanies the Request for Continued Examination as the required submission.

By way of this Amendment, claims 1, 3, 5 and 8 have been amended. Upon entry of this amendment, claims 1-13 remain pending. Reconsideration and allowance are respectfully requested.

Claims 1-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,868,659 (Slomski) in view of U.S. Patent 5,487,465 (Broskow). In response, claims 1, 3, 5 and 8 have been amended. Accordingly, Applicants are of the opinion that the claims as amended are now allowable over the prior art. Reconsideration and allowance are respectfully requested.

The Examiner has acknowledged that the teaching of Slomski is for a process that includes separately punching a handle and a carrier before attaching the carrier and the handle together.

Broskow teaches a carrier that joins two separate sheets of material together, or uses a single sheet folded in half. As discussed previously and not disputed by the Examiner, Broskow teaches a process for forming a carrier in which both a handle portion and a container engaging portion are formed in each sheet..

Thus, the process taught by Slomski is one in which separate sheets are individually punched and then assembled. Broskow teaches a process in which a folded single sheet or two sheets are punched such a way that each sheet contains both a handle portion and a carrier portion.

In contrast to the teaching of the prior art, claim 1 as amended recites in part:

**forming a container holding portion only in the carrier sheet, including forming first and second rows of container receiving apertures in the carrier sheet on opposite sides of the line of attachment after said steps of positioning and connecting; and**

**forming a handle portion only in the handle sheet, including forming holes in the handle sheet simultaneously with forming the first row of apertures, the holes and the first row of apertures formed in substantially the same configurations by cutting through overlying portions of said handle sheet and said carrier sheet and thereby forming said holes and said first row of apertures in overlying arrangement.** (Emphasis added.)

Also in contrast to the teaching of the prior art, claim 8 as amended recites in part:

**forming a first row of container receiving apertures in the carrier sheet outwardly from the first line of attachment and simultaneously forming holes in the first handle portion of the handle sheet similarly shaped to the first row of apertures by cutting through overlying portions of the carrier sheet and the handle sheet to form the holes in the first handle portion and the first row of apertures in overlying arrangement;**

**forming a second row of apertures in the carrier sheet between the first and second lines of attachment; and**

**forming a third row of container receiving apertures in the carrier sheet outwardly from the second line of attachment and simultaneously forming holes in the second handle portion of the handle sheet similarly shaped to the third row of apertures by cutting through overlying portions of the carrier sheet and the handle sheet to form the holes in the second handle portion and the third row of apertures in overlying arrangement;**

**said forming steps being performed after said steps of positioning and connecting.** (Emphasis added.)

It is respectfully submitted that the present invention now clearly and unequivocally recites a process different from the teaching of the prior art. Claims 1 and 8 each recite a method of making a container carrier in which first and second sheets are laid one over the other and both a handle portion and a container engaging portion are formed in the overlying sheets. However, the completed carrier includes container engaging apertures only in the carrier sheet and a handle portion(s) only in the handle sheet.

**Nothing in either of the references cited, alone or in combination teaches a method of making a container carrier in which container receiving apertures are formed only in one sheet and holes for a handle portion are formed only in the other sheet, with the holes and apertures being formed by cutting through overlying portions of the handle sheet and the carrier sheet such that the holes and apertures are in overlying arrangement, as recited in claims 1 and 8.**

The combination of Slomski and Broskow does not teach a process including the steps recited in independent claims 1 and 8. Neither reference alone or in combination teaches a process in which holes of a handle portion and apertures of a carrier portion are formed in separate sheets by cutting through overlying portions of the separate sheets. Neither reference alone or in combination teaches a process including cutting holes of the handle portion and apertures of the carrier portion in an overlying arrangement, as recited in independent claims 1 and 8.

The method of the present invention provides advantages over the prior art in that the process is efficient by attaching the sheets one to the other and punching the sheets simultaneously. Since the container engaging apertures are provided only in one sheet, and the handle configuration is provided only in the other sheet, each of the sheets can be provided in material best suited for the function that it will perform. Since all container receiving apertures are formed in a single sheet, the distance between the outermost loops is more easily controlled than in processes making carriers in which container receiving apertures are provided in each of the two sheets. Application of the carrier onto groups of containers by automated equipment is thereby facilitated since the weld between the sheets is not determinative for the spacing of the loops forming the apertures for the containers. The space remains the same regardless of variations in the positioning of the weld line. The method of the present invention further provides carriers in which manipulation of the handles does not easily distort the container receiving apertures, since the apertures and portions of the handle are not formed in the same sheet. Accordingly, the method of the present invention provides carriers that facilitate application on containers by use of automated machinery and provides carriers that are evenly balanced, easy to use and inexpensive to manufacture.

Thus, the present invention provides a method of making a container carrier which is not simply making a similar carrier by a different method, but instead uses a different method to manufacture a carrier that differs from carriers known in the prior art. The advantages of the present

invention extend from manufacturing efficiency in both cost and handling, to improved efficiency and ease in applying the carrier to containers held thereby using automated equipment, and also to improved performance for the consumer by providing a well-balanced carrier and a carrier in which materials can be selected for optimal performance by separating the carrier portion from the handle portion. None of the prior art teaches a process forming nor carriers having structures exhibiting these advantages.

It is respectfully submitted that amended independent claims 1 and 8 clearly recite an invention not taught by the prior art, which provides advantages over the prior art and should be allowed. Claims 2-7 depend from claim 1, and claims 9-13 depend from claim 8. Accordingly, each of claims 2-7 and 9-13 includes all of the limitations of the independent claim from which it depends, while adding further specificity to the invention recited in the independent claims. Since independent claims 1 and 8 are believed to be allowable for the reasons stated above, it follows then that dependent claims 2-7 and 9-13 should be allowed together with the independent claims for the same reasons as those stated above with respect to the independent claims. Reconsideration and allowance of the dependent claims 2-7 and 9-13 are respectfully requested.

Further, however, it is respectfully submitted that at least some of the dependent claims recite features not taught by the prior art. For example, claim 3 recites a method which includes a step of forming first and second spaced lines of attachment and thereafter removing the portion of the handle sheet between the first and second spaced lines of attachment to define first and second handle sheet portions separate from each other. The Examiner's reference to removing portions of the handle sheet in Slomski is not on point in view of amended claim 3, which requires defining first and second handle sheet portions that are separate from each other by the step of removing a portion of the handle sheet. It is respectfully submitted that this is not shown in the prior art, and claims 3 should be allowed on the merits of the additional features of the invention recited therein.

Claim 4 recites a further limitation for the method of claim 3 in which a third row of apertures is formed in the carrier sheet on an opposite side of the lines of attachment from the first row. Accordingly, a three row configuration is formed by the method of claim 4 in which one row is outside of one line of attachment, a second row is between the two lines of attachment and a third row

is outside of the second line of attachment. The prior art does not show this method, and claim 4 should be allowed.

Claim 5 includes the limitation of forming holes in the handle sheet simultaneously with forming the third row of apertures wherein the holes in the handle sheet and the third row of apertures are in overlying arrangement and formed by cutting through overlying portions of the handle sheet and the carrier sheet. Accordingly, for reasons similar to those discussed above with respect to claims 1 and 8, it is believed that claim 5 recites additional features of the invention making claim 5 patentable on its own merits.

For the reasons stated above, it is respectfully submitted that each of claims 1-13 now clearly recites an invention patentable over the prior art. Reconsideration and allowance are respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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